4-5 EDWARD VII.

CHAP. 3.

An Act to establish and provide for the Government of the Province of Alberta.

[*Assented to 20th July, 1905.*]

Preamble.

WHEREAS in and by *The British North America Act*, 1871, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of Her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said Parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Alberta Act*.

Province of Alberta formed; its boundaries.

2. The territory comprised within the following boundaries, that is to say,—commencing at the intersection of the international boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion lands surveys; thence westerly along the said international boundary to the eastern boundary of the province of British Columbia; thence northerly along the said eastern boundary of the province of British Columbia to the north-east corner of the said province; thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in

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Alberta
CULTURE

THE HISTORICAL EVOLUTION

OF THE

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS

1983

Alberta Culture

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PART 1

INTRODUCTION

The Historical Resources Act (R.S.A. 1980, Ch. H-8) charges the Provincial Archives of Alberta with a dual role. Firstly, the Provincial Archives preserves the written, oral and visual history of our province through the careful storage of significant historic documents. Secondly, it promotes public understanding and appreciation of Alberta's rich heritage by making historic documentary collections available for research.

The Historical Resources Act (Section 9) states that the Minister of Culture may:

> "(h) provide for the operation, maintenance and development of the Provincial Archives of Alberta for
>
> (i) the preservation, storage, publication and public exhibition of public records (as defined in the Department of Government Services Act), and
>
> (ii) the acquisition, preservation, publication and public exhibition of documents, parchments, manuscripts, records, books, maps, plans, photographs, magnetic tapes or other materials, regardless of physical form, the preservation of which is in the public interest".

In accordance with its mandate, the Provincial Archives is involved in the preservation of both private documents and governmental records (known as public records). These public records are indeed varied and diverse in their origin. Therefore, one needs to know of the administrative framework which produced them. This will indicate how various public records series should be arranged (in accordance with the principles of provenance) so as to promote public accessibility.

Provincial Government departments have evolved over time. Most departments, as they exist today, bear little similarity to what existed in 1905. Today, the duties of most departments are more specialized and professional. Many of the original departments were composed of branches (sub-sections) which have since been transferred to new or other departments. Moreover, administrative transfers were sometimes accompanied by a redirection of their primary goals. Given a very complex process of administrative development, there is a need to clarify and to provide a more structured system for accessing and arranging the government records collections.

In 1974, the Provincial Archives introduced a research program whose objective was to prepare an administrative history of each department or agency. Unfortunately, budgeted funds were insufficient to continue the program. However, five departmental histories were prepared, namely:

1) Treasury Department (1974)

2) Health and Social Development (1974)

3) Attorney General (1974)

4) Department of Mines and Minerals (1975)

5) Department of Agriculture (1975)

In 1983, the Provincial Archives acquired sufficient resources to activate its research program. Its twofold purpose is to assist archivists in processing public records and to assist the public in studying and understanding the history and development of Alberta.

PART 2

AN OVERVIEW OF THE DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS 1983

Presently, the Department of Consumer and Corporate Affairs is responsible for implementing in excess of thirty Acts which govern relationships between consumers and business activity. In so doing, the Department investigates consumer complaints, deals with the incorporation and registration of a variety of private organizations, and provides Albertans with important consumer educations programs and services. The Minister is charged with the protection of consumers, and the government has established significant legislation which affects the behavior of both consumers and companies.(1)

This section will examine the present administrative structure and legislative mandates of the Department by focussing upon the 1973-1983 time period.

2.1 Government Reorganization, 1970-1973

In 1971, a new Consumer Affairs Branch was established in the Department of Labour.* The Consumer Affairs Branch was created to implement the Consumer Affairs Act (S.A. 1970, Ch.22) and its forerunner, an Act Respecting a Consumer Bureau (S.A.1969, Ch.20). Moreover, the Department of Labour established the Credit and Loan Agreements Branch in 1971, as the responsibility for the Credit and Loan Agreements Act (S.A.1967, Ch.11) had been transferred from Treasury. Both the Consumer Affairs Branch and Credit and Loan Agreements Branch were included in the new Department of Manpower and Labour (1972). The establishment of these two branches set the stage for the creation of a "consumer" department.

In 1972, an interdepartmental task force was established to review all relevant aspects of Consumer Affairs, as well as those issues relating to registered corporations. This task force, consisting of representatives from Alberta Manpower and Labour, Attorney General, Agriculture, Industry and Commerce, recommended that a separate department be established (Annual Report: Consumer and Corporate Affairs 1981, p.1).

The task force recommendations were enacted into the Department of Consumer Affairs Act of 1973 (S.A.1973, Ch.22) which repealed the former Consumer Affairs Act of 1970.

Therefore, a separate department was established by combining functions that were being performed by several departments through the transference of the following:

1. Pursuant to O.C. 527/73 the Department of Manpower and Labour transferred the Consumer Affairs Act and the Credit and Loans Agreement Act.

2. Pursuant to O.C. 526/73 the Department of Industry and Commerce transferred the Direct Sales Cancellation Act.

* Note: the Provincial Treasurer was temporarily charged with Consumer Affairs Act O.C. 486/71. The Treasurer may have administered the Consumer Bureau Act as well.

3. Pursuant to O.C. 527/73 the Department of Industry and Commerce transferred the Licensing of Trades and Businesses Act and the Fuel Oil Licensing Act.

4. Pursuant to O.C. 829/73 the Department of the Attorney General transferred the Investments Contract Act.

5. Pursuant to O.C. 526/73 the Department of the Attorney General transferred the Investments Contract Act.

6. Pursuant to O.C. 527/73 the Department of the Attorney General transferred the: Insurance Act, Insurance Corporation Tax Act, Companies Act, Sale of Chattels by Public Auction Act, Real Estate Licensing Act.

7. The Department of the Attorney General transferred the Bread Act, Cemetery Co. Act, Debtors' Assistance Act, Religious Societies Lands Act, Societies Act.(2)

8. Finally, the Department of the Attorney General transferred the Alberta Automobile Insurance Board.(3)

2.2. Organizational Structure - Department of Consumer Affairs, 1973-1974

The Department of Consumer Affairs was established as of April 1, 1973.(4) Between 1973-1975, the Department was structured in a simple manner. A division between "corporate" and "consumer" affairs was designated (Annual Report: Consumer Affairs 1974). Basically, the Corporate Affairs Division was composed of the Corporate Affairs Branch and the Insurance and Real Estate Branch; whereas, the Consumer Relations Division was composed of a Licensing Branch, Debtors' Assistance Board, and a Consumer Affairs Branch.

The Automobile Insurance Board reported directly to the Minister.

Finally, in 1974 a Management Secretariat was established to assist the operating branches of the Corporate and Consumer Relations Division. It consisted of planning, research, finance, personnel, records, systems, communication, and library services.

2.3. Development of the Consumer and Corporate Affairs Department, 1975

In 1975, the Department of Consumer Affairs Amendment Act was enacted (S.A. 1975, Ch.9) and it provided for three significant changes. Firstly,

in Part 1: Sections 1-5, the name of the department was changed from Consumer Affairs to the Department of Consumer and Corporate Affairs. Secondly, in Part 1: Section 6.1, the Minister received authority to issue financial assistance (Grant-In-Aid) as a means of fostering consumer protection. Thirdly, in Part 2: responsibility for several Acts was transferred from the Attorney General's Department.

The 1975 Amendment Act set the stage for further functional transfers from the Attorney General's Department and the Department of Agriculture.

1. Pursuant to Alberta Regulation 107/75:

   A. "The administration of the following enactments is transferred from the Minister of Agriculture to the Minister of Consumer and Corporate Affairs:

      (a) The Building Associations Act;
      (b) The Co-operative Associations Act;
      (c) The Co-operative Marketing Associations Guarantee Act;
      (d) The Credit Union Act;
      (e) The Credit Union Federation of Alberta Limited Act;
      (f) Part 2 of the Frozen Food Act;
      (g) The Native Co-operative Guarantee Act;
      (h) The Rural Electrification Long Term Financing Act;
      (i) The Rural Electrification Revolving Fund Act.

   B. The administration of those parts of the public service consisting of all persons employed in the Co-operative Development Branch and the Credit Union Branch is transferred from the Minister of Agriculture to the Minister of Consumer and Corporate Affairs."

2. Pursuant to Alberta Regulation 107/75:

   A. "The administration of the following enactments is transferred from the Attorney General to the Minister of Consumer and Corporate Affairs:

      (a) the following sections of the Cemeteries Act:
         (i) section 2.1, subsction (2);
         (ii) sections 20 to 23;
         (iii) Part 3;
         (iv) Part 4;
         (v) section 60, clauses 6,8,9,10,11,14,15,16,19,20,20.1, 21 and 22;
         (vi) sections 61 and 63;
      (b) The Deposits Regulation Act;
      (c) The Franchises Act;
      (d) The Mortgage Brokers Regulation Act;
      (e) The Prearranged Funeral Services Act;
      (f) The Securities Act;
      (g) The Trust Companies Act.

B. The administration of those parts of the public service consisting of all persons employed in the Alberta Securities Commission and the Office of the Director of Trust Companies is transferred from the Attorney General to the Minister of Consumer and Corporate Affairs."

3. Pursuant to Alberta Regulation 128/75:

A. "The Consumer and Corporate Affairs Administrative Transfers Order, filed as Alberta Regulation 107/75, is hereby amended.

B. Section 1, subsection (1) is amended by striking out clause (j) and by substituting therefor the following:

(a) The Insurance Corporations Tax Act."

4. Pursuant to Alberta Regulation 188/75:

A. "The administration of the Collection Agencies Act is transferred from the Attorney General to the Minister of Consumer and Corporate Affairs.

B. The administration of that part of the public service consisting of those persons directly employed in the administration of the Collection Agencies Act is transferred from the Attorney General to the Minister of Consumer and Corporate Affairs."

5. Pursuant to Alberta Regulation 129/75:

A. "The administration of The Consumer Affairs Act is transferred from the Minister of Consumer Affairs to the Minister of Consumer and Corporate Affairs.

6. From the Legislative perspective, the following Acts were transferred from the Consumer Affairs to the Consumer and Corporate Affairs Department (A.R. 107/75).

A. "The administration of the following enactments is transferred from the Minister of Consumer Affairs to the Minister of Consumer and Corporate Affairs:

(a) The Bread Act;
(b) The Cemetery Companies Act;
(c) The Companies Act;
(d) The Credit and Loan Agreements Act;
(e) The Debtors' Assistance Act;
(f) The Department of Consumer Affairs Act, except section 2;
(g) The Direct Sales Cancellation Act;
(h) The Fuel Oil Licensing Act;
(i) The Alberta Insurance Act;
(j) The Insurance Corporations Act;
(k) The Investment Contracts Act;

(l) The Licensing of Trades and Businesses Act;
(m) The Real Estate Agents Licensing Act;
(n) The Religious Societies' Lands Act;
(o) The Sale of Chattels by Public Auction Act;
(p) The Societies Act.

B. The administration of that part of the public service consisting of all persons employed in the Department of Consumer Affairs (except in the office of the Minister of Consumer Affairs) is transferred from the Minister of Consumer Affairs to the Minister of Consumer and Corporate Affairs."

2.4. Legislative Development: 1975 - 1983

Several additional functions were introduced between 1975 and 1983. These affected the scope of Consumer and Corporate Affairs in protecting the well-being of consumers.

2.4.1 In the early 1970's, Alberta entered into a cooperative rent regulation program with the federal government. The original purpose of this program was to stimulate the construction of rental properties. The Temporary Rent Regulation Measures Act (S.A. 1975, Chapter 84) was enacted in 1975. During the 1976 business year, landlords were to maintain a 10% of base-rent increase. Should either the landlord or the tenant be not satisfied, this appellate mechanism was established. The Rent Regulation Appeal Board reported to the Minister of Consumer and Corporate Affairs and was effective for a period of eighteen months.

The Province, in 1977, enacted the Rent Decontrol Act (S.A. 1977, Chapter 41) whose purpose was to designate certain properties to emerge from control. But also it continued controls on certain rental dwellings. It appears that the former Rent Regulation Appeal Board was replaced by the Rent Decontrol Appeal Board. This Board not only provided an appellate function, but in addition, it followed a policy of allowing landlords to recover 'excessive' operational costs. Moreover, it prepared a gradual phase-out of controls. The functions of the Rent Decontrol Appeal Board terminated as of June, 1980.

The entrance of the Provincial Government into the rental market place also made it necessary for the Department to monitor the administration of the Landlord and Tenant Act. Consumer and Corporate Affairs was also required to coordinate the application of rent controls with the relationship of renters and landlords. Hence, "conflict" between rent controls and other Acts would be avoided. (Amendment Act, S.A. 1979, Ch.17).

2.4.2 During the 1975 - 1983 period the Builders Association Act and the Bread Act were repealed (S.A. 1977, Ch.95) (S.A. 1979, Ch.34).

2.4.3 During the 1975 - 1983 period the Rural Electrification Long Term Financing Act and the Rural Electrification Revolving Fund Act were transferred to the Department of Utilities and Telephones (OC.1277/77).(5)

2.4.4 During the 1975 - 1983 period, the scope of the Department of Corporate and Consumer Affairs (to facilitate the orderly operation of the Alberta market place) was enlarged by the enactment of the following:

1) The Unfair Trade Practices Act (S.A. 1975, Ch.33)
2) The Business Corporations Act (S.A. 1981, Ch.B-15)
3) The Public Auctions Act (S.A. 1981, Ch.25.1)
4) The Public Contributions Amendment Act (S.A. 1979, Ch.64)
5) The Condominium Property Act (S.A. 1978, Ch.9)
6) The Consumer and Corporate Affairs Statutes Amendment Act 1976. (S.A. 1976, Ch.61)
7) The Consumer and Corporate Affairs Statutes Amendment Act 1977 (S.A. 1977, Ch.59)
8) The Consumer and Corporate Affairs Statutes Amendment Act 1978 (S.A. 1978, Ch.49)

2.4.5 In 1983, the licensing of Agricultural Fairs was transferred to Consumer and Corporate Affairs. Also, in 1983, the regulation of provincial lotteries was transferred from the Department of Culture to Consumer and Corporate Affairs.(6)

2.4.6 Consumer and Corporate Affairs implements the terms of several co-operative Federal-Provincial agreements. First it is mandatory for Trust Companies to be insured under the Canada Deposit Insurance Corporations Act. Secondly, the department is involved in tax discounting under the Canada Tax Rebate Discounting Act. Finally, the department is affected by Part X of the Federal Bankruptcy Act. (Annual Report: Consumer and Corporate Affairs, 1981).

2.5. Structural Development 1975 - 1981

We have briefly discussed administrative structure as it existed in 1973 - 1974 (2.2). We also have described legislative development between 1975 and 1982. Certainly, the growth of "function" did affect the organization of the department. In this section, the department's administrative structure as it evolved between 1975 and 1981 is examined.

In 1979, the Department consisted of three main Divisions. These were: Consumer Relations Division, Corporate Affairs Division, and a Management Secretariat Division. These Divisions were then sub-grouped into branches, whose function was to administer specific programs. (Annual Report: Consumer and Corporate Affairs, 1979.)

2.5.1 Consumer Relations Division

A. Central Records and Licensing Branch

-- administered programs under the provisions of the Licensing of Trades and Businesses Act, Sale of Chattels by Public Auctions Act, Fuel Oil Licensing Act, Direct Sales Cancellation Act and the Public Contributions Act.

B. Complaints and Enquiries Branch

-- investigated consumer complaints in areas where the Department had specific jurisdiction.(7)

C. Consumer Credit Branch

-- dealt with the Department's mandate pursuant to the Credit and Loans Agreements Act.

D. Consumer Education Branch

-- dealt with consumer education pursuant to areas which are germane to the Department's mandate.

E. Family Financial Counselling Program

-- assisted clients pursuant to the Department's mandate under the Debtors' Assistance Act.

F. Standards Development Branch

-- monitored and controlled the relationship between sellers and consumers in the Alberta market place. Maintenance of an orderly market place is primarily affected through the implementation of the Unfair Trade Practices Act.

G. Pursuant to O.C. 1104/75 the Consumer Affairs Division established six regional offices.

2.5.2 Corporate Affairs Division

A. Companies Branch

The primary function of this branch was to provide for the incorporation of Alberta corporations and to register out-of-province corporations. These functions were carried out in compliance with the Companies, Societies, Religious Societies Lands, Cooperative Associations, Credit Union, and the Cemetery Companies Acts.

2.5.2 Corporate Affairs Division - cont'd

B. Cooperatives Branch

-- responsible for the administration of the Cooperative Associations, Cooperative Marketing Associations, and the Native Cooperative Guarantee Acts.

C. Credit Union Branch

-- responsible for the administration of the Credit Union and Credit Union Federation of Alberta Limited, Acts.

D. Insurance and Real Estate Branch

-- responsible for the administration of the Alberta Insurance, Insurance Corporation Tax, Real Estate Agents Licensing, Investment Contracts, Mortgage Brokers Regulation, Condominium Property Acts.

E. Trust Companies Branch

-- responsible for the administration of the Alberta Trust Companies Act.

2.5.3 Management Secretariat Division

This Division was composed of Finance, Personnel, Planning and Analysis, Records, Systems Management, and Library Branches. The primary function of these Branches was to provide supportive services.

2.6 Departmental Reorganization, 1981

In 1981, it was determined that reorganization was necessary. (Annual Report: Consumer and Corporate Affairs, 1981).

The reorganization identified the need to make several significant changes.

1. The structure of Senior Management was changed to a new executive group, consisting of three assistant Deputy Ministers reporting to a Deputy Head.

2. The former "Consumer" and "Corporate" divisional structure was combined into Program Development Division.

3. The former "Management Secretariat" was converted into a Program Support Division.(8)

4. The department instituted a regional program delivery system (decentralized): a Regional Delivery Division was established with six regional offices.(9)

5. The operating units within the Program Development Division were redesignated as "program" instead of branches.

6. As a consequence of developing a regional service delivery system, the former "Complaints and Enquiries" branch was abolished.

7. The 1981 reorganization brought a change of name to the Companies Branch. The Corporate Registry program implements the same mandate as the previous Companies Branch. However, a new Business Corporation Act (S.A. 1981, Ch.B-15) was enacted in 1981.

   What may cause some confusion for historical researchers is the change from "Branches" to "Programs" within the Program Development Division. It must be remembered that it is a name change and not a functional change. For purposes of clarification, two diagrams are included in this section. The first compares the 1979 administrative structure to the organization which emerged as of 1981. Secondly, included is a chart which describes the current administrative structure of Consumer and Corporate Affairs.

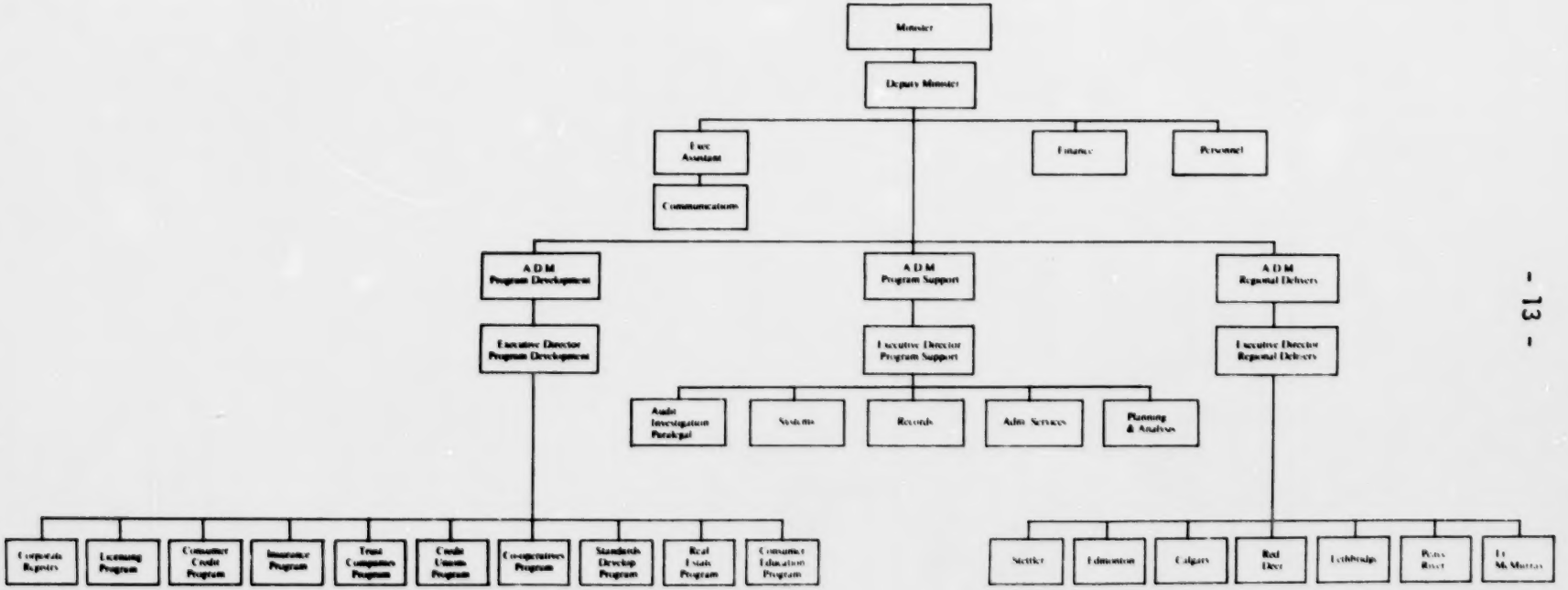
Note

In 1983, the Department began evaluating an overall reorganization. However, an official change has not occurred as of the preparation of this history.

2.6.1. Chart comparing former Departmental structure to the 1981 administrative change

FORMER STRUCTURE	1981 STRUCTURE	FUNCTION CHANGE (MANDATE)
Central Records and Licensing Branch	Licensing Program	No
Complaints and Enquiries Branch	Abolished Function, Now performed by Regional Offices	No
Consumer Credit Branch	Consumer Credit Program	No
Consumer Education Branch	Consumer Education Program	No
Family Financial Counselling Program	Program is now delivered through Regional Offices	No
Standards Development Branch	Standards Development Program	No
Companies Branch	Corporate Registry Program	(NO) Addition of Business Corp. Act
Cooperatives Branch	Cooperatives Program	No
Credit Union Branch	Consumer Credit Program	No
Insurance and Real Estate Branch	Insurance Program	No
Trust Companies Branch	Trust Companies Program	No

Chart displaying current Consumer and Corporate Affairs structure, 1983.



PART 3

THE ANTECEDENTS OF THE DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS

In 1973, the Department of Consumer Affairs was created as an amalgamation of functions formerly carried out by the Departments of Agriculture, Attorney General, Industry and Commerce, and Manpower and Labour.

We must be careful to define "historical-evolution" in a specific fashion. It is a fairly straightforward task of taking present functions and examining their legislative and administrative history. But one could study a Department's history from a functional policy perspective as well.(10)

In terms of function, departmental activities relate to registration and incorporation, consumer education, and corporate regulation. This approach could cause difficulty. For example, the Department of Education, throughout its history, has included consumer education within its curriculum.(11) Also, in order to understand business regulations, an analysis of Court (Attorney General) operations would be necessitated.(12) Hence, governmental efforts at "consumer affairs" may not necessarily be confined to a single department.

This account views the following functions as being the most significant for understanding the historical evolution of Consumer and Corporate Affairs.

1. Incorporation and Registration

2. Cooperatives and Credit Unions

3. Real Estate and Insurance

4. Debt Assistance (education function)

5. Regulation of Securities

6. Business Licensing

7. Credit and Loan Agreements Act (education function)

8. Trust Co. Registration

9. Automobile Insurance

3.1 Historical Development, 1875 to 1930

Section 16 of The Alberta Act (Statutes of Canada 1905, c.3, 4-5, ed. VII) provides that legislation which was effective under the former territorial administration was to continue in the newly created province.

The former territorial administration included a Department of the Territorial Secretary. The Deputy-Secretary assumed the position of The Registrar of Joint Stock Companies. The Registrar implemented the terms of the following Acts and these provided for the basis of incorporation and registration policy.(13)

1. An ordinance to incorporate for the establishment of cemeteries.
2. An ordinance respecting companies.
3. The foreign-companies ordinance.
4. An ordinance respecting the holdings of lands in trust for religious societies and congregations.
5. An ordinance respecting trust companies.

Also, the Territorial Department of the Attorney General was empowered to implement the terms of the:

1. An ordinance respecting benevolent and other societies.

The 1922 Revised Statutes indicates that the Registrar of Joint Stock Companies was responsible for the following Acts:

1. An Act respecting cooperative associations (Ch.161)
2. An Act respecting companies (Ch.156)
3. An Act respecting foreign companies (Ch.157)
4. An Act respecting mortgages and the sale of personal property (Ch.151)
5. An Act respecting benevolent and other societies
6. An Act respecting the holdings of lands in trust for religious societies and congregations (Ch.164)
7. An Act respecting cemeteries (Ch.166)

All of these Acts call for the Registrar of Joint Stock Companies to fulfill the functions of "incorporation" and "registration" for various types of company organization. However, the matter of trust companies is unclear. A reading of the former Trust Company Ordinance reveals a process of supervision through the Courts. Moreover, the Ordinance also indicates that a Trust Company could not be incorporated under the Companies Ordinance

(Ordinance 1903, Ch.15). Moreover, the Companies Ordinance (Ordinance 1901, Ch. 20) specifically states that it cannot be used to establish Trust Companies. However, it appears that certain "Trusts" known as "provincial companies" were affected by the Companies Ordinance.

These difficulties are somewhat clarified in the 1967 Trust Company Act (S.A. 1967, Ch.87). Section 3 states:

1. "Unless otherwise provided in this Act or the regulations, The Companies Act does not apply to a provincial company incorporated in Alberta under the Companies Ordinance before October 1, 1929.

2. Not withstanding section 4 of The Companies Act, none of the provisions of the Act apply to provincial companies incorporated by a special Act except where otherwise provided by this Act.

3. With respect to a provincial company by a special Act before January 1, 1961, the provisions of this Act supersede and prevail over any provision of its special Act."

It is unclear if the Trust Company Act was specifically administered by the Attorney General's Department. It is the case, that as of 1967, a separate person became responsible for the Trust Companies Act. As of 1967, a Director of Trust Companies was established. Prior to 1967, no separate Branch for the administration of Trusts was created. However, it is most likely that regulatory supervision was done through court action. It should also be kept in mind that trust affairs falls under federal jurisdiction.

In addition to these incorporation and registration acts, the province also enacted legislation pertaining to real estate and insurance. Firstly, in 1906 a Real Estate Commission Act (S.A. 1906, Ch.27) was established. This Act merely indicated a need for formal statements between purchaser and seller. However, by 1929 a Real Estate Agents Licensing Act (S.A. 1929,Ch.67) was established to register agents. Then in 1947 a new Real Estate Licensing Act (S.A. 1947, Ch.15) repealed the 1929 Act and also the Real Estate Commission Act. Secondly, in 1913 the Alberta Insurance Act (S.A. 1913, Ch.16) was established. Responsibility for both the Real Estate Acts and the Insurance Act was held by the Provincial Treasurer.

There was also some overlap between the Provincial Treasurer and the Provincial Secretary with respect to cooperatives. As previously noted, the Provincial Secretary was placed in charge of the registration of cooperatives. However, with the passage of The Cooperative Credit Act (S.A. 1917, Ch.11), the Treasurer arranged the borrowing needs of registered cooperative societies.

In terms of administrative organization, a Companies Branch was established by the Provincial Secretary to perform registration and incorporation fuctions in 1930.(14)

The Provincial Treasurer established a Superintendent of Insurance in 1913, who was responsible for managing the Insurance Act. Finally, the Treasury established a Cooperative Credit Branch in 1917.(15)

3.2. Historical Development 1930 - 1960

During this period, the Government created several important institutions and agencies to direct business operations in the province. First, in 1934, the Government established a separate Department of Trade and Industry to oversee economic development. Secondly, the Debtors' Assistance Board was created to assist consumers in the management of debt (1943). Thirdly, the Provincial Government established a Securities Commission in 1955 to register all companies doing trading business in Alberta. Fourthly, a new Insurance Branch was established in the Provincial Secretary department. These institutions are examined in this section.

3.2.1 Department of Trade and Industry

In 1928, the Treasury Department appointed a Supervisor of Consumer Credit to administer the Cooperative Activities Supervision Act (S.A. 1928, Ch.5).(16) While it was the function of the Provincial Secretary to register cooperatives under the Cooperative Associations Act, the supervisor received "Memorandums of Associations" and then determined if such applications should be forwarded for incorporation. This practice continued until 1937, when responsibility for the supervision of cooperatives was transferred to Trade and Industry (O.C. 464/37). Also in 1937, a new Cooperative Associations Act (S.A. 1937, Ch.66) transferred the "incorporation" of cooperatives from the Provincial Secretary to the Minister of Trade and Industry.

The concern for promoting the rational development of cooperatives is displayed in the Department of Trade and Industry Act (S.A. 1934, Ch.33). It states that the Minister is:

1. "to promote the formation of associations of the persons engaged in carrying on any trade, where no such association exists with the object, amongst others, of bettering the conditions of the trade, and the elimination of discontinuance of any system, practice or method of business which is detrimental to the trade, or to any class of persons engaged therein;

2. to collect, arrange and systematize such information as to the trades of the Province and as to the natural resources of the Province as he may from time to time deem proper;

3. to assist with information and advise any person engaged in any trade or any association of any such persons in any manner calculated to the betterment of the trade and the public;

4. generally to do all acts and things necessary or incidental to any of the matters herein before set out."

Basically, the Department of Trade and Industry assumed responsiblity for two separate functions. It was given responsibility for the licensing of business activity in the province. That is,

the Fuel Oil Licensing Amendment Act 1937 (S.A. 1937, Ch.68) and the enactment of the Licensing of Trades and Businesses Act (S.A. 1937, 3rd Session, Ch.1) provided that the Department of Trade and Industry perform a licensing function. Formerly, responsibility for the Fuel Oil Licensing Act lay with the Board of Public Utility Commissioners.

Secondly, Trade and Industry was charged with the supervision of cooperatives and credit unions. The pattern of administration for cooperatives and credit union activity was somewhat complex and needs some explanation. In 1937, the Cooperative Activities Supervision Act (S.A. 1937, Ch.73) and the Cooperative Marketing Assistance Act (S.A. 1937, Ch.74) were amended. These two amendments consolidated supervisory authority over cooperatives within Trade and Industry. That is, Trade and Industry possessed the actual authority of investigation. Hence, the activities of Treasury to grant borrowings (Cooperative Rural Credit Act) were then subject to approval from Trade and Industry.(17) Moreover, Credit Union (S.A. 1938, Ch.22) supervision was also subject to this sytem. Finally, a Cooperatives Advisory Board was established in 1944 (O.C. 1759/44), and it appears to have functioned until 1945.(18)

The Department of Trade and Industry established two new Branches in order to implement its mandate. A Licensing Branch was established to implement the Fuel Oil Licensing and the Licensing of Trades and Businesses Act. Secondly, a Cooperatives Activities Branch implemented the various acts which applied to cooperatives and credit unions.

This structure remained fairly constant. While the Department was reorganized in 1948, 1959, 1968, 1972 these two Branches were kept in this original form.(19) However, it appears that their names were changed in 1959. The Licensing Branch became known as the Licensing of Trades and Businesses Branch and the Cooperatives Activities Branch appears as the Cooperatives and Credit Union Branch.

Finally, the Cooperatives Branch assumed responsibility for the province's rural electrification program in the mid-1950's. That is, the Rural Electrification Revolving Fund Act was enacted in 1953 (S.A. 1953, Ch.101), and The Rural Electrification Long Term Financing Act was introduced in 1956 (S.A. 1956, Ch.46).

3.2.2 The Debtors' Assistance Board

In 1923, the Government enacted the Debt Adjustment Act (S.A. 1923, Ch.43). This Act provided for a two-fold structure of administration and applied to the collection of farm debts. First, a Director of Debt Adjustment was established to receive complaints from either debtors or their creditors. The director was responsible for applying the act and then should his intervention not rectify the matter, the courts would then provide settlement.

The Director's function was originally handled through the Attorney General's Department, but was transferred to the Department of Agriculture in 1927 (O.C. 1288/27). Then in 1931 it was reinstated in the Attorney General's Department (O.C. 985/31).

In 1933, the court's role in the administration of farm debts was changed (S.A. 1933, Ch.13). The Debt Adjustment Board was established and it reported to the Attorney General's Department. The Board under the 1933 Act received the authority to provide settlement.

With the passage of the Debtors' Assistance Act (S.A. 1943, Ch.7), a new approach was taken. First, this Act repealed the former Debtors' Assistance Act, whereby, enlarging debt service from farm indebtedness to the general public. A new Debtors' Assistance Board was established and the Directorship was transferred to the Department of Municipal Affairs.

The Debtors' Assistance Act was amended in 1945 (S.A. 1945, Ch.39) and the administration of the act was taken from Municipal Affairs. The Attorney General was then charged with operating debt services.

The 1943 Debtors' Act is very significant for the establishment of educational programs within the Department of Consumer and Corporate Affairs. It is important to note that the powers, duties and functions of the Board were:

a) "to advise and assist debtors in adjusting their debts and in working out satisfactory arrangements for the settlement of their debts with their creditors;

b) to arrange meetings between debtors and their creditors in an endeavour to bring about amicable arrangements for the payment by the debtor of his indebtedness to his creditors

c) to advise and assist debtors in the preparation of any plan or scheme of settlement of their debts before any Dominion Board or Court which may have been or may hereafter be set up for the settlement of debts

d) to aid debtors in obtaining postponements, adjustments or extension of time payment of their debts in proper cases

e) to act as an intermediary in negotiations between debtors and creditors in the adjustment and settlement of debts

f) generally to render advice and assistance to debtors who are unable to meet their liabilities and who, through proceedings in the courts or otherwise, are being pressed for payment or harassed by their creditors."

3.2.3 The Alberta Securities Commission

In 1916, the Government enacted the Sale of Shares Act (S.A. 1916, Ch.8 and S.A. 1918, Ch.17). The terms of the Act empowered the Board of Public Utilities Commissioners to grant all trading companies the right to sell securities in the market.

The Sale of Shares Act was repealed in 1929, with the passage of the Security Frauds Prevention Act (S.A. 1929, Ch.10). The 1929 Act, in turn, was repealed by the 1930 Security Frauds Prevention Act (S.A.1930, Ch.8). Compared to the very simple system under the Sales of Shares Act, a more complex structure emerged by 1930. Basically, the Board of Public Utility Commissioners was given the authority of registering all brokers and salesmen who were engaged in the selling or purchasing of securities. However, the 1930 Act confirmed that powers of investigation and action was vested within the Attorney General's Department.

This system was maintained from 1930 to 1955. However, the Security Frauds Prevention Amendment Act 1936, provided a short title name to the Act (S.A. 1936, Ch.100), namely The Securities Act.

In 1955, with the passage of a new Securities Act (S.A. 1955, Ch.64), the former administrative system was somewhat modified by the establishment of an independent commission.

The Alberta Securities Commission was charged with the appointment of its own Registrar. Moreover, it received powers of investigation and action of its own. However, the Commission could not levy a charge or a penalty without obtaining permission from the Attorney General's Department. Also, a person or company who is charged had the authority to appeal to the Courts. The Department of the Attorney General maintained supervisory control over the Commission.

While the 1955 Act was repealed by the 1967 Securities Act (S.A. 1967, Ch. 76), no major changes have altered this basic administrative process.

3.2.4 Transference of Insurance and Real Estate

Previously it was mentioned that the Provincial Treasurer was charged with the administration of the Alberta Insurance Act and the Real Estate Agents Licensing Act. In 1935, responsibility for both insurance (O.C. 1205/35) and real estate (O.C. 1043/35) was transferred to the Provincial Secretary. At that time, the Insurance Branch was established to manage matters pertaining to both insurance and real estate.(20)

However, in 1946 the Insurance Branch was transferred to the Economic Affairs Department (O.C. 775/46). Then, in 1959, responsibility for insurance was returned to the Provincial Secretary when the Economic Affairs Department was abolished.

Economic Affairs also implemented the Rental Control Act of 1950 (S.A. 1950, Ch.61) which was in effect until 1955 (Amendment Act S.A. 1954, Ch.90). A Rent Control Board was established and this was the government's first action aimed at rent controls.

3.3. Historical Development 1960 - 1972

During this period, four major events took place: the dissolution of the Provincial Secretary, transference of Cooperatives and Credit Union Branches, establishment of an Automobile Insurance Board, and the passage of the Credit and Loans Agreement Act.

3.3.1 Dissolution of Provincial Secretary's Department

The registration and incorporation of companies was a responsibility of the Provincial Secretary from 1906 to late 1971. The Department, as a separate government department, was terminated in 1971.(21) The Companies Branch was transferred to the Attorney General's Department. Also, the responsibility for the Insurance Branch was also transferred to the Attorney General's Department.

3.3.2 Transference of the Cooperative Activities and Credit Union Branch

In 1971, the Department of Agriculture became responsible for the operations of the Cooperative Activities and Credit Union Branch, as a result of a reorganization of the Department of Industry and Development. However, the Licensing of Trades and Businesses Branch was retained by the new Department of Industry and Tourism.

3.3.3 Automobile Insurance Board

In 1971, the Alberta Automobile Insurance Board was established (O.C. 2122/71). The Attorney General's Department was responsible for its administration until 1973.

3.3.4 Credit and Loans Agreements Act

In 1954, the Government enacted the Credit and Loans Agreement Act (S.A. 1954, Ch.19). The terms of this Act sought to provide information to borrowers so that they could become aware of the conditions by which credit was available. This act was greatly changed by the terms of the Credit and Loans Agreement Act of 1967 (S.A. 1967, Ch.11).

The Credit and Loans Agreement Act was administered by the Provincial Treasurer. The Treasurer was assigned the responsibility of appointing a "Supervisor of Consumer Credit" and to establish a branch to oversee the Act.

The 1967 Act enlarged the scope of government involvement in controlling credit institutions. The Credit and Loans Agreements Branch possessed the authority to investigate and recommend changes in business practices. As the Act states:

The Supervisor shall:

a) conduct studies, surveys and inquiries to determine
   i) the identity of all credit grantors in the Province, and
   ii) the business practices of such credit grantors

b) continually inform himself of changes and developments in the business and business practices of credit granting

c) recommend changes in business practices or forms to a credit grantor where the Supervisor considers that the changes are necessary to comply with this Act

d) consult and co-operate with credit grantors and other interested parties in order to facilitate the attainment of the objects of this Act

e) submit in writing to the Provincial Treasurer, prior to the 31st day of December of each year, a report of his activities under this Act, and

f) perform such other duties as are prescribed by the Lieutenant Governor in Council."

The Credit and Loans Agreements Branch was transferred from the Treasury to the Department of Labour in 1971 (later in 1972 Manpower and Labour). It remained in the Department of Manpower and Labour until 1973, when it was transferred to the Consumer Affairs Department.

3.4. Conclusion

In Part 3, we have discussed the most significant historical developments for the 1875-1930/1930-1960/1960-1972 time periods and it was shown which Department held responsibility for the Acts which were taken over by the newly created Department of Consumer Affairs in 1973.

FOOTNOTES

1) A major difficulty exists in that most government libraries catalogue items in a topical fashion. Information is usually stored by name of Department. The actual legislative mandate(s) is not stored by Department in a coherent fashion. Hence, a researcher not only has to view organizational structure to access government records, but must also consult the Statutes of Alberta. Then one can, after acquiring the date an Act was passed, examine both Executive and Departmental Orders in Council to determine which department (branch) was charged with the mandate. It would appear that some concern should be given to this problem.

2) No specific Order in Council was identified to document this change. I rely upon: K.L. Powell, A History of Name Changes of Alberta Government Departments and Agencies. (Edmonton: Alberta Legislative Library, 1977).

3) No Order in Council was identified. op. cit. - K.L. Powell, p.187.

4) I assume that the Department began operations as of the beginning of a budgetary year (April 1).

5) My thanks to Mr. D. Merrell for providing this information (Departmental Records Officer, Utilities and Telecommunications).

6) The Resource Centre of Consumer and Corporate Affairs informs me that Agricultural Fairs was transferred in 1983. Lotteries were transferred pursuant to O.C. 1155/82.

7) For a researcher, some confusion may exist. The Complaints and Enquiries Branch provided service directly to the public. This Branch was abolished in 1981, and the Regional Offices now perform the function.

8) The Management Secretariat was a supportive group. However, the 1981 reorganization profoundly affected its role. An Audit and a Legal Services Branch was added. Moreover, the Corporate Planning and Computer Systems capability was dramatically increased. These aspects are in themselves a major trend in the growing managerial complexity of government departments.

9) Please refer to footnote 7.

10) If one examines present research, scholars who are involved in policy oriented projects tend to take a topical approach. If one did for "consumer" or "corporate" policy, the researcher would have to examine the operations of several government departments.

11) Such information is available from the Archives Section of the Department of Education library.

12) Most regulatory functions of Consumer and Corporate Affairs involve an appellate function to the Courts.

13) See the Consolidated Ordinances, 1898, 1911, 1915.

14) George Wright, Administrative Growth of the Government of Alberta, 1905-1921 (M.A. thesis; University of Alberta: 1952). P. 10. Wright indidates registration was done by clerks. However, Powell op. cit. P. 163, indicates that a formal branch did not exist until 1930.

15) Wright,op. cit. P.10.

16) K.L. Powell, op. cit. P.178.

17) It appears that cooperative associations were governed by the Cooperative Credit Act (S.A. 1922, Ch.61). Then in 1931, the Alberta Cooperative Rural Credit Act (S.A. 1931, Ch.60) was enacted. The Cooperative Rural Credit Act established a separate agency, the Rural Credit Corporation, and was abolished in 1952 (O.C. 1785/52). The borrowing needs of consumers were always controlled by Treasury.

18) Powell, op. cit. P.189.

19) Powell, op. cit.

1948 -- Department of Industry and Labour, P.79
1959 -- Department of Industry and Development, P.87
1968 -- Department of Industry and Tourism, P.91
1972 -- Department of Industry and Commerce, P.83

20) Powell, op. cit. P.164. However, Our Provincial Government (Department of Education; 1958) indicates this branch managed both insurance and real estate matters.

21) Powell, op. cit. P.163.

CHRONOLOGY

1905 - The Provincial Secretary assumed responsibility for the registration and incorporation of Joint Stock Companies.

1906 - The Provincial Secretary established a Companies Branch.

1913 - The Treasury Department established a Superintendent of Insurance position.

1923 - The Department of the Attorney General assumed responsiblity for supervising debt adjustments.

1927 - The Alberta Debt Adjustment Board was established.

1928 - The Treasury Department assumed responsibility for the supervision of cooperative activity.

1934 - The Department of Trade and Industry was established. This department underwent the following name changes:

1) 1948 -- Department of Industry and Labour
2) 1959 -- Department of Industry and Development
3) 1968 -- Department of Industry and Tourism
4) 1972 -- Department of Industry and Commerce

1935 - Responsibility for insurance and real estate was transferred from the Treasury Department to the Department of the Provincial Secretary. At that time, an Insurance Branch was created.

1937 - Responsiblity for the supervision of cooperatives was transferred from the Provincial Treasury to the Department of Trade and Industry. A Licensing of Trades and Businesses and a Cooperative Activities Branch was created.

1943 - The Alberta Debtors' Assistance Board was established.

1946 - The Insurance Branch was transferred from the Department of the Provincial Secretary to the Department of Economic Affairs.

1950 - A Rent Control Board was established in the Economic Affairs Department.

1955 - The Alberta Securities Commission was established.

1959 - The Department of Economic Affairs was dissolved. The Insurance Branch was transferred from Department of Economic Affairs to the Provincial Secretary's Department.

1959 - The Department of Labour was established.

1967 - The Credit and Loans Agreement Branch was established within the Treasury Department.

1971 - The Credit and Loans Agreement Branch was transferred from Treasury Department to the Department of Labour.

1971 - The Alberta Automobile Insurance Board was established.

1971 - The Cooperative Activities and Credit Union Branch was transferred from the Department of Industry and Development to the Department of Agriculture.

1971 - The Provincial Secretary's Department was dissolved and the Companies and Insurance Branches were transferred to Attorney General's Department.

1971 - The Consumer Affairs Branch was established within the Department of Labour.

1972 - The Department of Manpower and Labour was established.

1972 - An interdepartmental Task Force was established to review all relevant aspects of Consumer Affairs. This consisted of: Department of Manpower and Labour, Department of the Attorney General, Department of Agriculture, and the Department of Industry and Commerce.

1973 - The Department of Consumer Affairs was established.

1975 - The Rent Regulation Appeal Board was established.

1975 - The Department of Consumer and Corporate Affairs was established.

1977 - The Rent Decontrol Board was established.

1981 - The Department of Consumer and Corporate Affairs was reorganized.

MINISTERS OF CONSUMER AND CORPORATE AFFAIRS

Name		Date of Appointment
Robert Dowling	--	March 6, 1973
Graham Harle	--	April 3, 1975
Julian Koziak	--	March 23, 1979
Connie Osterman	--	November 19, 1982

DEPUTY MINISTERS OF CONSUMER AND CORPORATE AFFAIRS

Name	Date of Appointment
Jack Lyndon	March 1, 1974
Barry Martin	January 2, 1979

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